

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY PRICE, II,

Plaintiff,

v.

Case Number 12-10360
Honorable Thomas L. Ludington

VANESSA MALONE,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION AND DISMISSING COMPLAINT**

This matter is before the Court on the report and recommendation (ECF No. 6) issued by Magistrate Judge Charles E. Binder on February 17, 2012, recommending the case be dismissed. Plaintiff Gregory Price's pro se complaint brings a single claim against Defendant Vanessa Malone, the mother of Plaintiff's child, for the violation of the Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A. After screening the pro se complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), Judge Binder recommends that the complaint be dismissed because § 1738A does not create a private cause of action. *In re Larch*, 872 F.2d 66, 68 (4th Cir. 1989).

As of today's date, no party has filed any objections to Judge Binder's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation (ECF No. 6) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

Dated: March 6, 2012

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Gregory Price, II at 4747 Dresden Ct., Saginaw, MI 48601 by first class U.S. mail on March 6, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS